REMARKS

This communication is intended as a full and complete response to the final Office Action mailed February 7, 2006. In the Office Action, the Examiner notes that Claims 1-5, 7-15 and 17-21 are pending and rejected. By this response, the Applicants have amended claims 1 and 14, and cancelled claims 3-4 and 19-21.

In view of the foregoing amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of these claims are now in allowable form.

The Applicants, by amending the claims, also do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

Amendments to the Claims

By this response, the Applicants have amended claims 1 and 14. The amendments to the claims are fully supported by the Application as originally filed. For example, the amendments are supported at least by originally filed claims 3-4 and 19-20. Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments.

Furthermore, as the amendments include the exact language from previously presented claims 3-4 and 19-20, they represent subject matter that has already been considered by the Examiner on numerous occasions. Thus, the amendments will not necessitate further consideration and search by the Examiner, and as such should be entered in response to the Final Office Action.

35 U.S.C. §102(b) Rejection of Claims 1-5, 7-15 and 17-21

The Examiner has rejected Claims 1-5, 7-15 and 17-21 under 35 U.S.C. §102(b) as being anticipated by Egawa et al. (5,534,944, hereinafter "Egawa"). The rejection is respectfully traversed.

Anticipation requires the presence, in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. The Egawa reference fails to disclose each and every element of the claimed invention, as arranged in claim 1 as amended.

Specifically, the Egawa reference fails to teach or suggest at least the "wherein the encoding of the second video is further controlled such that the second encoding profile approximately matches the first encoding profile at approximately a point in time when the first compressed video stream is spliced back into the spliced stream" as recited in claim 1 as amended.

The Egawa reference discloses a method of splicing two compressed video signals (see abstract). However, the Egawa reference does not teach or suggest controlling the encoding of the second video stream such that its encoding profile approximately matches the encoding profile of the first video stream at the point at which the first video stream is spliced to the end of the second video stream. Instead, the Egawa reference discloses that it will send the first video to a buffer at the bit rate of the second video when it splices the first video to the end of the second video.

Specifically regarding the splicing process, the Egawa reference discloses (emphasis added below):

> "After a suitable value of NSTUFF has been determined, the processor 412 executes the process shown in FIG. 7 to splice STREAM2 to STREAM1. This process begins at step 710 by emptying the buffer BSdec, 416, shown in FIG. 4. At step 712, the processor 412 sends data from STREAM1 into buffer 416 at the data rate of STREAM1. At step 714, the process determines if the last bit of AU1 has been written into buffer 416. If not, the process continues to provide data from STREAM1 until AU1 has been stored as indicated by steps 716 and 718, removing any AU's prior to AU1 at intervals corresponding to their decoder time stamps (DTS's).
>
> After AU1 has been stored, the process, at step 720 removes any AU's in the buffer 416 which precede and include AU1 at the corresponding decoding time stamp of each AU. Starting from the time that AU1 has been stored, the process, at step 722 sends NSTUFF stuffing bits to buffer 416 at the bit rate R1. At step 724, the process determines if all NSTUFF of the stuffing bits were sent before the time DTS_{next}. If not, control transfers to step 734 which determines if all NSTUFF of the stuffing bits were sent at the time DTS_{next}. If this condition

> is not met, step 736 is executed to send the remaining stuffing bits at rate R2 to buffer 416.
>
> If, however, at step 724, it was determined that the NSTUFF stuffing bits had been sent before DTS_{next}, step 726 is executed which begins sending the initial part of STREAM2 to buffer 416 at bit-rate R1. At step 728, the process determines if the variable K has a value of zero. If not, control transfers to step 738 in which data from STREAM2 is sent to buffer 416 at the bit-rate R2. Step 738 is also executed after step 734 if it is determined that NSTUFF bits have been sent at time DTS_{next} and after step 736. After step 738, step 740 is executed which removes AU2 from buffer 416 at a time corresponding to DTS2." (column 7, lines 5-37)

Thus, the Egawa reference discloses, generally speaking, sending data from STREAM1 into a buffer at the data rate of STREAM1, R1; then sending stuffing bits to the buffer at bit rate R1; then sending the initial part of STREAM2 to the buffer at bit rate R1; and then sending more data from STREAM2 to the buffer at the bit rate of STREAM2, R2.

Additionally, regarding splicing STREAM1 onto the end of STREAM2 (i.e. splicing the main stream to the end of the inserted stream), the Egawa reference discloses (emphasis added below):

> "The method according to the present invention splices the start of one sequence to an arbitrary access unit in another sequence. The insertion of the sequence is completed only after the remaining part of the original sequence is spliced to the inserted sequence in the same way that the inserted sequence was spliced to the main sequence. Thus, the modified sequence header 120' also includes a sequence end code, some stuffing bits and the modified sequence header for the main sequence. As with the modified sequence header 118', the sequence header 120' may have its bit-rate field changed to FFFF hexadecimal, indicating a variable bit-rate sequence, if the bit-rates of the main and inserted sequences differ and if the original main sequence used a constant bit-rate." (column 4, lines 6-18)

Thus, the Egawa reference discloses that the main sequence is spliced to the inserted sequence in the same way that the inserted sequence was spliced to the main sequence. Therefore, when STREAM1 (i.e., the main stream) is spliced to STREAM2 (i.e., the inserted stream), the initial part of STREAM1 will be sent to the buffer at bit rate R2, in the same way that the initial part of STREAM2 is sent to the buffer at bit rate R1 when STREAM2 is spliced to STREAM1, as discussed above.

Thus, the Egawa reference, when splicing the first (main) video stream to the end of the second (inserted) video stream, sends the first stream to the buffer at the bit rate of the second stream. By contrast, the presently claimed invention modifies the encoding of the second stream when the first stream is spliced onto the end of the second stream.

Therefore, the Egawa reference fails to teach or suggest at least the "wherein the encoding of the second video is further controlled such that the second encoding profile approximately matches the first encoding profile at approximately a point in time when the first compressed video stream is spliced back into the spliced stream" as recited in claim 1 as amended, and as such fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent Claim 1.

As such, claim 1 is not anticipated by Egawa and is patentable under 35 U.S.C. §102. Furthermore, claim 14 includes relevant limitations similar to those discussed above in regards to Claim 1, and as such Claim 14 is also not anticipated by Egawa and is patentable under 35 U.S.C. §102. Moreover, Claims 2, 5, 7-13, 15, and 17-18 depend, either directly or indirectly, from independent Claims 1 and 14, and recite additional limitations thereof. As such and at least for the same reasons as discussed above, these dependent claims are also not anticipated by Egawa and are patentable under 35 U.S.C. §102. Also, claims 3-4 and 19-21 have been cancelled and thus the rejection is moot in regards to these claims.

Therefore, the Examiner is respectfully requested to withdraw the rejection.

CONCLUSION

Thus, Applicants submit that all the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Stephen Guzzi at (732) 383-1405 or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Stephen Guzzi, Patent Agent
Reg. No. 56,367
(732) 530-9404

Patterson & Sheridan, LLP
Attorneys at Law
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702